

## **REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-40 are pending in the application, with claims 1, 11, 17, 28, 35, 38 and 40 being independent. Claim 40 is new. Claims 1, 11, 17, 28, 35, and 38 are amended herein. Support for the claim amendments and additions can be found in the original disclosure. No new matter has been added.

## **CLAIM OBJECTIONS**

Claims 28-34 stand objected to because of lack of antecedent basis. Claims 28-34 are amended herein to address the informalities noted in the Office Action. Accordingly, Applicant requests withdrawal of the claim objections.

## **§ 112 SECOND PARAGRAPH REJECTIONS**

Claims 11-27 stand rejected under 35 U.S.C. § 112, as allegedly being indefinite. This rejection is respectfully traversed.

Nevertheless, without conceding the propriety of the rejection and in the interest of expediting allowance of the application, claims 11-27 have been amended as proposed during the interview and are believed to be allowable.

## **§ 102 REJECTIONS**

Claims 1-4, 6-9, 11-14, 17-22, 24, 25, 27-29, 31-36 and 38 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pre-Grant Publication 2004/0268265 (Berger). Applicant respectfully traverses the rejection.

Nevertheless, without conceding the propriety of the rejection and in the interest of expediting allowance of the application, claims 1, 11, 17, 28, 35 and 38 have been amended and are believed to be allowable.

**Independent claim 1**, as presently presented recites, among other things, “contemporaneously running multiple communications programs for accessing the first and second communications media to allow instantly sending a message via one of the communications programs,” “displaying a one-click control option for transitioning message delivery and message composition to the second communications medium when the potential recipient is present to the second communications medium,” and “transferring at least part of an unsent message from a message composition environment associated with the second communications medium to a message composition environment associated with the first communications medium when the second communications medium becomes unavailable.”

Berger is directed to a multi-mode communication apparatus and discloses a method on a data processing device for receiving incoming electronic messages. Berger, Abstract.

However, Berger fails to disclose or suggest “contemporaneously running multiple communications programs for accessing the first and second communications media to allow instantly sending a message via one of the communications programs,” “displaying a one-click control option for transitioning message delivery and message composition to the second communications medium when the potential recipient is present to the second communications medium,” and “transferring at least part of an unsent message from a message composition environment associated with the second communications medium to a message composition environment associated with the first communications medium when the second communications medium becomes unavailable,” as presently recited in independent claim 1.

Accordingly, claim 1 is allowable.

**Dependent claims 3-4 and 6-8** depend from independent claim 1 and are allowable by virtue of this dependency, as well as for additional features that they recite.

**Independent claim 11**, as presently presented recites, among other things, “means for transferring at least part of an unsent message from a message composition environment associated with the first communications medium to a message composition environment associated with the second communications medium when the first communications medium becomes unavailable; and means executing on the computing device means for transferring at least part of an unsent message from a message composition environment associated with the second

communications medium to a message composition environment associated with the first communications medium when the second communications medium becomes unavailable.”

Berger is directed to a multi-mode communication apparatus and discloses a method on a data processing device for receiving incoming electronic messages.

However, Berger fails to disclose or suggest “means for transferring at least part of an unsent message from a message composition environment associated with the first communications medium to a message composition environment associated with the second communications medium when the first communications medium becomes unavailable; and means executing on the computing device means for transferring at least part of an unsent message from a message composition environment associated with the second communications medium to a message composition environment associated with the first communications medium when the second communications medium becomes unavailable,” as presently recited in independent claim 11.

Accordingly, claim 11 is allowable.

**Dependent claims 12-14** depend from independent claim 11 and are allowable by virtue of this dependency, as well as for additional features that they recite.

**Independent claim 17**, as presently presented recites, among other things, “a user interface transition engine to display a one-click control option and switch a current user interface from a first user interface for the first communications

media to a second user interface associated with the second communications medium for which the potential recipient is present upon actuation of the one-click control option,” and “at least part of an unsent message is transferred from the first user interface to the second user interface upon actuation of the one-click control button.”

Berger is directed to a multi-mode communication apparatus and discloses a method on a data processing device for receiving incoming electronic messages.

However, Berger fails to disclose or suggest “a user interface transition engine to display a one-click control option and switch a current user interface from a first user interface for the first communications media to a second user interface associated with the second communications medium for which the potential recipient is present upon actuation of the one-click control option,” and “at least part of an unsent message is transferred from the first user interface to the second user interface upon actuation of the one-click control button,” as presently recited in independent claim 17.

Accordingly, claim 17 is allowable.

**Dependent claims 18-22, 25, and 27** depend from independent claim 17 and are allowable by virtue of this dependency, as well as for additional features that they recite.

**Independent claim 28**, as presently presented recites, among other things, “a user interface transition engine to display a one-click control option and switch a current user interface from a first user interface for the first communications

media to a second user interface associated with the second communications medium for which the potential recipient is present upon actuation of the one-click control option,” and “at least part of an unsent message is transferred from the first user interface to the second user interface upon actuation of the one-click control button.”

Berger is directed to a multi-mode communication apparatus and discloses a method on a data processing device for receiving incoming electronic messages.

However, Berger fails to disclose or suggest “a user interface transition engine to display a one-click control option and switch a current user interface from a first user interface for the first communications media to a second user interface associated with the second communications medium for which the potential recipient is present upon actuation of the one-click control option,” and “at least part of an unsent message is transferred from the first user interface to the second user interface upon actuation of the one-click control button,” as presently recited in independent claim 17.

Accordingly, claim 17 is allowable.

**Dependent claims 18-22, 25, and 27** depend from independent claim 17 and are allowable by virtue of this dependency, as well as for additional features that they recite.

**Independent claim 35**, as presently presented recites, among other things, “a one-click control option to use the second communications medium instead of the first communications medium; and wherein when potential recipient becomes

non-present in the second communications medium during message composition, at least a part of the unsent message is transferred into a message composition environment associated with the first communications medium.”

Berger is directed to a multi-mode communication apparatus and discloses a method on a data processing device for receiving incoming electronic messages.

However, Berger fails to disclose or suggest “a one-click control option to use the second communications medium instead of the first communications medium; and wherein when potential recipient becomes non-present in the second communications medium during message composition, at least a part of the unsent message is transferred into a message composition environment associated with the first communications medium,” as presently recited in independent claim 35.

Accordingly, claim 35 is allowable.

**Dependent claim 36** depends from independent claim 35 and is allowable by virtue of this dependency, as well as for additional features that it recites.

**Independent claim 38**, as presently presented recites, among other things, “the user interface includes a one-click control option to select the second communication medium and wherein when the potential message recipient becomes non-present in the second communications medium during message composition, transferring at least a part of the unsent message into a message composition environment associated with the first communications medium.”

Berger is directed to a multi-mode communication apparatus and discloses a method on a data processing device for receiving incoming electronic messages.

However, Berger fails to disclose or suggest “the user interface includes a one-click control option to select the second communication medium and wherein when the potential message recipient becomes non-present in the second communications medium during message composition, transferring at least a part of the unsent message into a message composition environment associated with the first communications medium,” as presently recited in independent claim 38.

Accordingly, claim 38 is allowable.

#### **§ 103 REJECTIONS**

**Claims 5, 15, 16, 23, 30, 37, and 39** stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Pre-Grant Publication 2004/0268265 (Berger) in view of U.S. Pre-Grant Publication 2005/0027839 (Day).

Applicant respectfully traverses the rejection. Nevertheless, without conceding the propriety of the rejection and in the interest of expediting allowance of the application, claims 1, 11, 17, 28, 35 and 38 have been amended and are believed to be allowable.

**Independent claim 1**, as presently presented recites, among other things, “contemporaneously running multiple communications programs for accessing the first and second communications media to allow instantly sending a message via one of the communications programs,” “displaying a one-click control option for transitioning message delivery and message composition to the second communications medium when the potential recipient is present to the second

communications medium,” and “transferring at least part of an unsent message from a message composition environment associated with the second communications medium to a message composition environment associated with the first communications medium when the second communications medium becomes unavailable.”

Berger is directed to a multi-mode communication apparatus and discloses a method on a data processing device for receiving incoming electronic messages. However, Berger fails to disclose or suggest “contemporaneously running multiple communications programs for accessing the first and second communications media to allow instantly sending a message via one of the communications programs,” “displaying a one-click control option for transitioning message delivery and message composition to the second communications medium when the potential recipient is present to the second communications medium,” and “transferring at least part of an unsent message from a message composition environment associated with the second communications medium to a message composition environment associated with the first communications medium when the second communications medium becomes unavailable,” as presently recited in independent claim 1.

Day was cited for its alleged teaching of a “another message composition system which discloses switching to a different GUI for a different medium and importing the text from an unsent message to this new GUI.” Office Action, page 6. However, Day fails to remedy the deficiencies in Berger noted above with

respect to claim 1. For example, Day fails to disclose or suggest “contemporaneously running multiple communications programs for accessing the first and second communications media to allow instantly sending a message via one of the communications programs,” “displaying a one-click control option for transitioning message delivery and message composition to the second communications medium when the potential recipient is present to the second communications medium,” and “transferring at least part of an unsent message from a message composition environment associated with the second communications medium to a message composition environment associated with the first communications medium when the second communications medium becomes unavailable,” as presently recited in claim 1.

Thus, Berger and Day, whether taken alone or in combination (assuming for the sake of argument that they can be combined), fail to disclose or suggest the features of claim 1. Accordingly, as discussed during the interview, independent claim 1 is allowable.

**Dependent claim 5** depends from independent claim 1 and is allowable by virtue of this dependency, as well as for additional features that it recites.

**Dependent claim 15** depends from independent claim 11. For reasons similar to those given above with respect to claim 1 above, Day fails to remedy the deficiencies describe above with regards to claim 11 which is allowable. Dependent claim 15 is allowable by virtue of this dependency, as well as for additional features that it recites.

**Dependent claims 15 and 16** depend from independent claim 11. For reasons similar to those given above with respect to claim 1 above, Day fails to remedy the deficiencies describe above with regards to claim 11 which is allowable. Dependent claims 15 and 16 are allowable by virtue of this dependency, as well as for additional features that they recite.

**Dependent claim 23** depends from independent claim 17. For reasons similar to those given above with respect to claim 1 above, Day fails to remedy the deficiencies describe above with regards to claim 17 which is allowable. Dependent claim 23 is allowable by virtue of this dependency, as well as for additional features that it recites.

**Dependent claim 30** depends from independent claim 28. For reasons similar to those given above with respect to claim 1 above, Day fails to remedy the deficiencies describe above with regards to claim 28 which is allowable. Dependent claim 30 is allowable by virtue of this dependency, as well as for additional features that it recites.

**Dependent claim 37** depends from independent claim 35. For reasons similar to those given above with respect to claim 1 above, Day fails to remedy the deficiencies describe above with regards to claim 35 which is allowable. Dependent claim 37 is allowable by virtue of this dependency, as well as for additional features that it recites.

**Dependent claim 39** depends from independent claim 38. For reasons similar to those given above with respect to claim 1 above, Day fails to remedy the

deficiencies describe above with regards to claim 38 which is allowable. Dependent claim 39 is allowable by virtue of this dependency, as well as for additional features that it recites.

**Claims 10 and 26** stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Pre-Grant Publication 2004/0268265 (Berger) in view of U.S. Pre-Grant Publication 2008/0027909 (Gang).

Applicant respectfully traverses the rejection.

**Independent claim 1**, as presently presented recites, among other things, “contemporaneously running multiple communications programs for accessing the first and second communications media to allow instantly sending a message via one of the communications programs,” “displaying a one-click control option for transitioning message delivery and message composition to the second communications medium when the potential recipient is present to the second communications medium,” and “transferring at least part of an unsent message from a message composition environment associated with the second communications medium to a message composition environment associated with the first communications medium when the second communications medium becomes unavailable.”

Berger is directed to a multi-mode communication apparatus and discloses a method on a data processing device for receiving incoming electronic messages. However, Berger fails to disclose or suggest “contemporaneously running multiple communications programs for accessing the first and second communications

media to allow instantly sending a message via one of the communications programs,” “displaying a one-click control option for transitioning message delivery and message composition to the second communications medium when the potential recipient is present to the second communications medium,” and “transferring at least part of an unsent message from a message composition environment associated with the second communications medium to a message composition environment associated with the first communications medium when the second communications medium becomes unavailable,” as presently recited in independent claim 1.

Gang was cited for its alleged teaching of a “sensing multiple potential recipients.” Office Action, page 7. However, Gang fails to remedy the deficiencies in Berger noted above with respect to claim 1. For example, Gang fails to disclose or suggest “contemporaneously running multiple communications programs for accessing the first and second communications media to allow instantly sending a message via one of the communications programs,” “displaying a one-click control option for transitioning message delivery and message composition to the second communications medium when the potential recipient is present to the second communications medium,” and “transferring at least part of an unsent message from a message composition environment associated with the second communications medium to a message composition environment associated with the first communications medium when the second

communications medium becomes unavailable,” as presently recited in independent claim 1.

Thus, Berger and Gang, whether taken alone or in combination (assuming for the sake of argument that they can be combined), fail to disclose or suggest the features of claim 1. Accordingly, as discussed during the interview, independent claim 1 is allowable.

**Dependent claim 10** depends from independent claim 1 and is allowable by virtue of this dependency, as well as for additional features that it recites.

**Dependent claim 26** depends from independent claim 17. For reasons similar to those given above with respect to the rejection of claim 1, Gang fails to remedy the deficiencies describe above with regards to claim 17 which is allowable. Dependent claim 26 is allowable by virtue of this dependency, as well as for additional features that it recites.

**CONCLUSION**

For at least the foregoing reasons, claims 1, 3-4, 6-8, 10-19, 21-39 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance.

If any issue remains unresolved that would prevent allowance of this case, **Applicant requests that the Examiner contact the undersigned to resolve the issue.**

Respectfully Submitted,

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